

3.6 **ROCK CREEK CANYON SPECIFIC PLAN LAND USE PLAN CONCEPT¹**

3.6.1 **OBJECTIVES AND POLICIES**

The primary objective of the Rock Creek Canyon Specific Plan is to fulfill the *General Plan* vision for ultimate development of the Paradise community. Additional key objectives are to (a) create an energy-efficient community based on guidelines established through the LEED program, (b) preserve key elements of the site history, if feasible, for future generations, (c) ensure that all lots are supported by adequate access and public facilities, (d) preserve and enhance access to area trails and open space resources, and (e) provide workforce housing opportunities in accordance with County requirements.

The project objectives reflect and build upon the County's planning goals for the unincorporated community of Sierra Paradise. The Specific Plan provisions contained herein are based on and consistent with provisions contained in the Mono County General Plan for Specific Plan residential development.

3.6.2 **DESCRIPTION OF ROCK CREEK CANYON LAND USE PLAN**

The tentative map for Rock Creek Canyon as a whole is shown in Exhibit 3-4. As indicated the project contains a total of fifteen parcels. Thirteen of the parcels are intended for residential use, one parcel (Lot A) will be maintained by the Rock Creek Canyon Homeowners' Association (HOA) but offered for dedication to the County for use as a trailhead parking lot, and one parcel (the 'Open Space Lot') is proposed to be dedicated to a public agency as permanent open space for public use. Twelve of the residential lots (Lots 1 through 12) will be sold at market rates for future development by the lot owner, and one residential lot (Lot 9A) will be reserved for workforce family housing. In addition, 2 of the 13 residential lots will be deed-restricted to require a secondary unit, also in accordance with the workforce housing program. The deed-restricted parcels are proposed to include Lots 8 and 9. A third secondary unit is also allowed on the project site, and the applicant anticipates that this third secondary unit (which would not be part of the workforce housing program) would be located on lot 7, 10 or 11. No more than 3 secondary units will be allowed within the project due to the septic system leach field design capacity, except that up to 5 secondary units may be allowed if the Board of Supervisors approves one of the alternative affordable housing proposals in which case the additional secondary units would replace the workforce housing Lot 9A. Section 3.7.5 of this Specific Plan discusses the Workforce Housing compliance options reviewed in this EIR, and §5.10 discusses the factors used to determine septic leach field capacity for the project proposal and alternatives (see Impact 5.10-2).

The Tentative Tract Map, which is also the Specific Plan Map, depicts the location of all proposed lots within Rock Creek Canyon. Exhibits 3-9 and 3-10 depict the layout and proposed building envelope for the northern six lots. For these lots, building envelopes are used in place of setbacks to describe the area within which land may be graded or modified by the parcel owner from its natural state. The Specific Plan prohibits any private land disturbance outside of these designated disturbance areas for Lots 7-12. Table 3-2 summarizes the proposed lot size and lot disturbance area for Lots 7-12, as well as the percentage of total lot area that can be modified.

Table 3-2
PROPOSED LOT SIZES AND DISTURBANCE AREAS (acres)

LOT NUMBER	LOT SIZE	MAXIMUM DISTURBANCE AREA	PERCENT DISTURBED
7	1.74	0.40	23%
8	1.89	0.57	27%
9	2.27	0.66	29%
9A	0.22	0.19	86%
10	2.96	0.71	24%
11	4.39	1.01	23%
12	4.22	0.57	14%
TOTAL	17.69	4.11	23.2%

There are no designated building envelopes for Lots 1-6 and 9A. Land modification on these lots will be regulated by the building setbacks permitting the Specific Plan, as depicted in Exhibit 3-6. These setbacks are consistent with fire-safety requirements set forth by Mono County to comply with State Responsibility Area guidelines established

¹ The content and organization of this Specific Plan have been drawn from *The Planner's Guide to Specific Plans*, prepared by the California Office of Planning & Research, 1400 Tenth St., Sacramento.

by the California Department of Forestry. Table 3-3 compares proposed Specific Plan standards with the standards that would apply under the existing Rural Resort land use category.

**Table 3-3
COMPARISON OF ROCK CREEK CANYON SPECIFIC PLAN
WITH GENERAL PLAN RURAL RESORT DEVELOPMENT STANDARDS²**

Features	Rural Resort General Plan Designation	Rock Creek Canyon Specific Plan Provisions
PERMITTED USES		
Single Family Dwellings	YES	YES
Small Scale Agriculture	YES	YES
Accessory Buildings and Uses	YES	YES ³
Mobile Home as Single Family Unit	YES	NO
Animals and Pets	YES	YES
Home Occupations	YES	YES
Open Space Uses	YES	YES
Access Roads	YES	YES
Sanitation Facilities	YES	YES
Water Facilities	YES	YES
Secondary Units	Director Review	YES
PERMITTED SUBJECT TO DIRECTOR REVIEW		
Secondary Units	YES, up to 640 sf	YES, up to 750 sf without Director review (only on specified lots)
PERMITTED SUBJECT TO USE PERMIT		
RV Parks	YES	NO
Hotel, Restaurant/Lounge	YES	NO
Transient Rentals	YES	NO
Developed Campgrounds	YES	NO
Commercial Recreation	YES	NO
Employee Housing	YES	Secondary Units Only
Private Solar and Wind Systems	YES	YES (solar only; no wind systems)
DEVELOPMENT STANDARDS		
Minimum Parcel Size	5 acres	28,000 sf , except for Lot 9A which has a minimum of 9,000 sf
Site Disturbance	10%	Approximately 35%
Building Height	35 feet	35 feet
Minimum Setbacks	30 feet all sides	30' from creek; 15' side and/rear (10' for Lot 9A); 10' from internal road
Building Density	1 home + secondary unit/5 acres; lodging up to 40 units/acre (max. 150) RV spaces up to 17/acre	15 Lots on 29.57 Acres (including 13 residential lots; 1 trailhead parking lot; 1 remainder parcel)

Primary access to the project would be served by a single access road extending north and south of Lower Rock Creek Road. The access road would provide direct access to each residential lot except Lot 7, and to the various easements and infrastructure improvements. Access to the Trailhead Parking Lot would be taken directly from Lower Rock Creek Road at a separate entry point that would also provide access to Lot 7. A traffic calming program has been developed to reduce speeds and enhance safety for motorists and cyclists along Lower Rock Creek Road in the project area. Elements of the traffic calming program are detailed in Specific Plan §3.6.7.1(e) and evaluated in EIR §5.11 (Traffic and Circulation).

3.6.3 USES PERMITTED

The following uses are permitted in Rock Creek Canyon subject to site plan review and Building Permit approval:

- a. **Residences:** Single-family dwellings.
- b. **Deed Restricted Lots:** Two lots will carry deed-restrictions requiring secondary dwelling units to be constructed and maintained in accordance with the Mono County Inclusionary Housing Ordinance.
- c. **Agriculture:** Small-scale agriculture for personal use.

² Mono County, *General Plan Land Use Element*, Estate Residential (ER), page II-118.

³ Accessory uses permitted without Director review *only* if customarily incidental to permitted uses on the same lot *and* if constructed at the same time as or later than the primary building.

- d. Accessory Uses:** Accessory buildings and uses, provided that such uses comply with standards herein, are located on the same lot and are customarily incidental and part of the uses permitted herein. All other accessory uses shall be subject to Director Review.
- e. Pets:** Pets shall be subject to standards in the adopted General Plan and County Code, and shall be restrained at all times when outdoors either through the use of leashes or with private fenced enclosures that permit the passage of wildlife (see provisions contained in §3.6.5(i) below). Under no circumstance shall pets be allowed to roam freely.
- f. Farm Animals:** Farm animals shall not be permitted in the Rock Creek Canyon project.
- g. Home Occupations:** Home occupations, subject to standards in the adopted General Plan.
- h. Open Space:** Open space uses including bike trails, pedestrian and jogging paths, subject to regulations in the Open Space Development Standards (see §3.6.6).
- i. Sanitation:** Sanitation facilities, subject to all applicable regulations.
- j. Water:** Water facilities, subject to all applicable regulations,
- k. Solar:** Solar facilities, subject to all applicable regulations.

3.6.4 USES PERMITTED SUBJECT TO DIRECTOR REVIEW

The following uses shall be permitted subject to review by the Mono County Planning Director:

- a. Accessory Uses:** Construction of a new accessory structure prior to construction of the main building.
- b. Other Compatible Uses:** Any other use that is not permitted by this Specific Plan but is found by the Planning Commission to be compatible with the purpose and objectives of this Specific Plan.

3.6.5 RESIDENTIAL DEVELOPMENT STANDARDS

Rock Creek Canyon is intended as a low-profile community where natural vegetation and topography continue to dominate visual elements. To achieve this goal the following residential development standards shall apply:

- a. Minimum and Maximum Lot Area:** 28,000 square feet (sf) net, except that Workforce Housing Lot 9A shall have a minimum lot area of 9,000 sf net. There shall be no maximum lot area.
- b. Minimum and Maximum Number of Residential Lots:** A maximum of 13 residential lots are permitted by this Specific Plan. There shall be no minimum number of residential lots.
- c. Building Lot Widths and Depths:**
 - i. Building lot widths in the Final Map shall substantially comply with the Tentative Map shown in this Specific Plan.
 - ii. Building lot depths in the Final Map shall substantially comply with the Tentative Map shown in this Specific Plan.
- d. Lot Coverage:** Lot disturbance areas shall be as shown on the Tentative Map, but maximum lot coverage shall not exceed 40% on any lot.
- e. Building Height Limit:** 35 feet above the preconstruction existing grade⁴ at any given point of the site, inclusive of all utilities and ornamentation.
- f. Minimum and Maximum Living Area:**
 - i. Lot 9A shall have a maximum living area of 1,500 sf and no minimum living area.
 - ii. Lots 1-12 (excluding 9A) shall have a minimum living area of 1,500 sf and no maximum living area provided the development is consistent with applicable setbacks and building envelopes.
 - iii. No secondary unit may exceed a total living area of 750 sf.⁵
 - iv. Garages may be detached or attached to the main structure.
 - v. Where permitted, secondary units may be constructed above the garage.
- g. Maximum Landscape Coverage:** All landscaping shall be located outside of the 30-foot creek setback area. Landscaping is permitted on Lots 7-12 within the designated disturbance area provided that such landscaping does not result in impervious surfaces. On Lots 1-6, landscaping coverage shall not exceed 40% per County standards.
- h. Setbacks:**⁶
 - i. All setbacks shall at a minimum comply with requirements of the California Dept. of Forestry, as adapted by the County of Mono, for designated State Responsibility Areas (which include all of Mono County).
 - ii. Lots 1-6 shall have setbacks as follows: minimum 30-foot setback from the top of the bank of Lower Rock Creek, minimum 20-foot setback from the edge of the internal roadway, and a minimum 15-foot side-yard and/or rear-yard setback.

⁴ Defined as existing natural grade plus or minus grading required for street construction.

⁵ Note that this varies from Mono County *General Plan* standards, which specify that secondary units shall have a 600 square foot maximum living area.

⁶ The project site is in a designated State Responsibility Area with mandatory side and rear yard setbacks of 30-feet. These may be reduced only through formal exception procedures established by the Calif. Dept. of Forestry. (Source: GPLUE II-11)

- iii. Lot 9A shall have setbacks as follows: minimum 30-foot setback from the top of the bank of Lower Rock Creek, minimum 20-foot setback from the edge of the internal roadway, and a minimum 10-foot side-yard and/or rear-yard setback.
- iv. Lots 4-6 shall have a minimum 10-foot setback from the small irrigation ditch.
- v. All lots shall comply with Mono County standard setbacks from the septic leach fields.
- vi. In lieu of setbacks, Lots 7, 8, 9, 10 and 12 shall have a single defined building envelope as shown in Exhibits 3-7 and 3-8; all structural improvements on these lots (7, 8, 9, 10 and 12) shall be confined to the defined building envelopes.
- vii. For Lot 11, two defined building envelopes have been identified including a primary building area on the west side of Lower Rock Creek with a 7,200 sf envelope, and an alternate building area on the east side of Lower Rock Creek with a 11,200 sf building envelope. The future lot buyer/owner shall decide which envelope will be used for home construction at which time the remaining envelope will be void. Only one primary residence may be built on each lot, including Lot 11.
- viii. For all lots, and with the exception of roads, utility lines, existing structures and hallway corridors located on Lots 10 and 11, no structures shall be allowed within 30-feet of the bank of Lower Rock Creek (please also refer to the additional creek protections contained in Specific Plan §3.6.7).
- i. Fencing:** Fencing shall be in accordance with applicable Mono County standards⁷
 - i. Residential fencing shall be a maximum of 6 feet high and constructed of three wood rails. Rock may be used only on the fencing posts. 'Trex'-type lumber may be used, but neither all-plastic lumber nor chain link fencing shall be permitted. Fences shall not be painted. Pet restraints shall be provided in accordance with §3.6.5(o) for domestic animals.
 - ii. Fencing for utility systems shall be optional.
 - iii. Fencing shall not be placed so as to restrict access to public lands, and there shall be no blocking of any extensions of right-of-way easements.
 - iv. No fencing shall be permitted outside of designated building setback or disturbance areas.
- j. Recreational Amenities:**
 - i. Recreational amenities including decks, arbors, gardens, BBQ facilities, athletic areas, game fields and other similar facilities shall be permitted within the building envelope for each lot, provided such amenities comply with applicable agency codes and regulations. Recreational amenities that do not involve impervious surfaces are also permitted within designated disturbance areas.
 - ii. Fire rings shall be permitted as recreational amenities within the building envelope for each lot subject to provisions in this section. No fire ring may exceed an outside diameter of 6 feet. Only wood may be burned in the fire ring. The burning of plastic materials, garbage, green wastes, hazardous materials and any materials other than wood shall be prohibited. The fire ring must be made of solid construction materials. The fire ring must be separated by a minimum distance of 20-feet from combustible materials (including overhanging trees) and from the canyon walls of Lower Rock Creek.
- k. Roofing:**
 - i. All structures in Rock Creek Canyon shall be required to have a 50-year fire resistant composition roof.
 - ii. The minimum roof pitch on all new structures shall be 6:12.
- l. Garages:**
 - i. Each lot may have only one garage with a maximum capacity for three cars.
 - ii. Garages may be attached or detached from the main residence.
 - iii. Where secondary units are allowed, detached garages may include a second-floor living unit, provided that the structure conforms to the maximum 35-foot height limit and 6:12 roof pitch.
- m. Energy and Water Conservation:** All project elements shall be subject to current building code standards, and all new project elements shall comply with Energy Star requirements. Additionally, all residences within Rock Creek Canyon will be strongly encouraged to comply with the minimum (or higher) standards for LEED certification though LEED certification shall not be required.
- n. Solar systems:** Individual attached or detached solar systems are permitted and may be installed by parcel owners on all lots. Solar elements shall comply with all applicable standards and building code requirements.
- o. Pet Restraints:**
 - i. When outdoors on a private lot, domestic animals shall at all times be kept under owner control and restrained with fencing that incorporates a wire mesh into the 3 wood rails allowed in §3.6.5.i(i) above.
 - ii. Dogs shall at all times be restrained on leashes when outside of the owners' private property,
 - iii. Under no circumstances shall domestic animals be allowed to roam freely.
- p. Solid Waste Management:** The CC&Rs shall provide information about waste management and disposal, including options for private individual trash and recycling services.
- q. Subdivision:** Following approval of this Specific Plan, no lot within Rock Creek Canyon may be further subdivided.
- r. Deer Protection:** A qualified wildlife biologist who is familiar with local deer shall be present, on a schedule to be determined by the biologist, to monitor any heavy construction work (grading operations, structural foundation work, framing work and similar heavy construction activities) that is conducted during the period

⁷ Also see 3.6.5'o' for discussion of special fencing required where pets are present.

between October 1 to May 15 to minimize disturbance to migrating and wintering deer. The biologist shall have the authority to halt construction operations until construction can resume without disturbing deer migration. The biologist shall be hired by and report to the County until this requirement is fulfilled. Additionally, the HOA shall provide informational handouts to Rock Creek Canyon lot owners concerning Round Valley mule deer herd habitat and migration patterns.

- s. **Secondary Units.** Secondary units with living areas up to 750 sf shall be allowed within the project, and it is anticipated that these units would be provided on lots 7, 8, 9, 10 and/or 11. At least two and no more than five of the secondary units will be deed restricted in compliance with workforce housing requirements. If the project approval includes the Lot 9A workforce housing lot, then no more than three secondary units may be constructed within the project due to limitations imposed by the sanitation system leach field capacity. If the project approval excludes the workforce housing lot, then the number of secondary units may be increased to a maximum of five (please see §3.7.5 of this Specific Plan for discussion of the Workforce Housing compliance options reviewed in this EIR).

3.6.5.1 Residential Landscaping and Screening

Landscaping is intended to maintain a sense of continuity with the surrounding lands and to complement native plant materials. The following standards and requirements shall apply:

- a. **Plant Palette:** A plant palette shall be developed with a list of all plant materials that are permitted within the Rock Creek Canyon project. This palette shall consist of plant materials that are native to the Mono County region and have value to native wildlife, and non-native species that are compatible with native plant materials, have low propagation characteristics, and are drought tolerant. The plant palette shall prohibit all other plant materials, including any plants that are invasive. The HOA shall provide a copy of the plant palette to all lot owners at the time of purchase, and shall be responsible for enforcement of the plant palette within individual lot landscaping.
- b. **Landscape Irrigation:** Permanent irrigation on residential lots shall be limited to (a) standards set by Mono County, or (b) a maximum 20% of lot area (whichever is more restrictive) and shall be confined to land in the approved setbacks and disturbance areas. Smart timer irrigation systems are required on the residential lots to minimize irrigation water demand.
- c. **Landscape Maintenance:** The HOA shall ensure that all landscaping is maintained in a neat, clean, and healthy condition, with proper pruning, mowing, weeding, litter removal, fertilizing, replacement, and irrigation as needed.
- d. **Protections for Native Vegetation:** Notwithstanding current fire safety and habitat protection laws and regulations, property owners shall be prohibited from clearing native vegetation except within the designated building envelopes and setback lines.
- e. **Landscape Clearance for Road Visibility:** The landscape maintenance plan for Lots 6 and 8 (both of which adjoin the project access entrances) shall require that tree branches and vegetation on each side of the project access entrances be trimmed in a manner that optimizes the visibility of Lower Creek Road traffic approaching the roadway curves. Trimming and clearance activities shall be suspended during the bird nesting season each year (March 15 to September 15). The HOA shall be responsible for ongoing compliance with this requirement.
- f. **Landscape Mitigation Measures:** The HOA shall be responsible for enforcement of landscape mitigation measures contained in the project EIR including (i) avoidance of water birch riparian scrub vegetation, (ii) retention of big sagebrush scrub vegetation, (iii) avoidance of stream encroachment, (iv) control of exotic trees, (v) control of *Vinca major* plants on the project site, (vi) landscape monitoring to ensure compliance with the permitted plant palette, and (vii) trimming to ensure visibility for Lower Rock Creek Road traffic. The HOA shall be responsible for notifying the California Department of Fish and Game and applying for a 1600 Streambed Alteration Agreement if any work is proposed to occur within the stream or the within the bed, bank, channel or riparian corridor within the water birch riparian scrub community.

3.6.5.2 Residential Building Materials and Colors

The following discussion of residential building materials and colors is intended to provide guidelines that will ensure a reasonable level of continuity and facilitate overall desirable appeal while preserving a diversity of design. The guidelines are not intended to discourage creativity or individual style, but rather to offer a method of protecting the overall integrity of the community and individual owner's investments. Deviations from the guidelines contained herein must be approved by the Rock Creek Canyon HOA.

- a. **Roofs:** Roofs must meet County fire codes and must feature dark, earth tone colors and non-reflective materials except if using fully integrated solar roofing. Acceptable roofing types include 50-year composition shingle, dark tile and slate. Other types of roof must be approved by the Rock Creek Canyon HOA. Sky lighting is acceptable if integrated into the roof.
- b. **Driveways:** All driveways shall be paved with materials that are typical to the area such as concrete, pavers, asphalt, brick and stone. Use of 'turf stone' and/or other runoff-reducing materials is encouraged.

- c. **Siding:** All siding materials shall meet current fire and building codes. Allowed siding material shall consist of natural wood that may be stained but not painted or otherwise covered, and natural unpainted rock. Wood stain colors shall be approved by the Rock Creek Canyon HOA. Rock must be used on no less than 10% of the exterior, and no more than 50% of total siding exterior. Light-hued stains, solid paint colors, stucco, vinyl, lapboard and other siding with seams shall not be acceptable.
- d. **Residential Design:** Homes must be built of conventional wood (including log or timber). Modular construction and exposed steel construction are not allowed, but other atypical construction may be permitted subject to approval by the HOA, provided it is consistent with other homes in the subdivision. Mountain, ranch and craftsman style architecture is encouraged as well as use of LEED certified materials and practices and other environmentally "green" materials and concepts including passive solar and water conservation techniques. This section outlines the basic architectural guidelines to be enforced by the HOA. Colors or color patterns not found acceptable to the Rock Creek Canyon HOA shall be subject to change at the cost of the owner. The CC&Rs will provide a more complete set of guidelines.
- e. **Color Themes:** Building and architectural color themes shall emphasize darker earth tones and materials found in the natural surroundings. No solid colors shall be permitted. All color themes shall require approval by the Rock Creek Canyon HOA, and a color board will be required for each individual lot submittal at the building permit stage.

3.6.5.3 Residential Lighting Standards

- a. **Code Compliance:** All outdoor lighting within the Rock Creek Canyon project shall comply with requirements set forth in Chapter 23 of the Mono County General Plan, the Dark Sky Ordinance.
- b. **No Street Lights:** No standard street lights shall be permitted within Rock Creek Canyon.

3.6.6 OPEN SPACE DEVELOPMENT STANDARDS

- a. **Trail Access:** To facilitate public use of Lower Rock Creek Trail, a permanent trailhead access easement shall be provided. The private access route for Lots 8-12 shall serve as the trailhead access easement, linking the dedicated trailhead parking lot with the BLM lands to the north. The road will be paved and maintained only to the end of the cul-de-sac.
- b. **Trailhead Parking and Signage:** In addition to the paved public trail access road, a public parking area shall be provided on Lot A, located directly west of Lot 8. This public parking area will be offered for dedication to the County but maintained by the HOA for use by trail users, project residents who participate in ride-share programs, and public agencies taking access to area facilities. Trail access signage shall be provided. Access to Lot 7 shall be taken from the north end of this trailhead parking lot.
- c. **Parking Restrictions:** Because Lower Rock Creek Road has limited line-of-sight in the project area, 'no parking' signs will be posted along the remaining road right-of-way that adjoins the project boundaries (see Specific Plan §3.6.8.1(b) for additional discussion of these restrictions).
- d. **Creek Access:** Lower Rock Creek has not been adjudicated to be a navigable waterway and, until it is so adjudicated, public in-stream navigation and related incidental uses shall not be permitted by the landowner except on the Open Space Remainder Parcel where public in-stream navigation and related incidental uses shall be allowed. If Lower Rock Creek is found to be a navigable waterway, public in-stream navigation shall be permitted throughout the project site, up to the high water mark of the river, in accordance with applicable state and federal laws.
- e. **Motorized Vehicles:** Apart from vehicles owned by project residents and vehicles used by authorized public agencies, no motorized vehicles or parking shall be permitted on private roads within Rock Creek Canyon.
- f. **Historic Ditch Conservation Easement:** A conservation easement shall be maintained in perpetuity along the alignment of the ditch located on the western hillslope above the Rock Creek Terrace and skirting the western edge of Lots 1, 2 and 3 of the Rock Creek Parcel Map. The perimeter of the easement shall be fenced to further protect the ditch, and the Homeowners Association shall be responsible for ensuring that the fence is at all times maintained in good condition.
- g. **Pedestrian Trail:** To provide pedestrian access to Lower Rock Creek for Paradise residents, a constructed trail shall be provided from Glenn Court down to Rock Creek at the 5.7-acre open space remainder parcel. The trail shall continue up to the Rock Creek Ranch project.

3.6.7 CREEK PROTECTION STANDARDS

It is the express intent of this Specific Plan that all activities on the project site (including but not limited to new construction, modifications to existing structures, operational and maintenance activities, and activities associated with long-term residential occupancy through the life of the project) shall be conducted in a manner that provides full protection to sensitive riparian areas and waters of the State of California. To eliminate the possibility of any new impacts to sensitive riparian areas and Waters of the State of California as defined by the California Department of Fish and Game (DFG) and by the State Water Resources Control Board (SWRCB), all such activities shall be required to meet the requirements listed below. Since these activities may require a

Lake or Streambed Alteration Agreement, each lot owner shall be responsible to notify DFG prior to commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, bank or associated riparian resources of a river or stream, or use material from the streambed. This includes any work on top of the creek bank, stream crossings of any kind, and disturbance of any riparian vegetation and trees:

- a. **No Encroachment:** During initial construction and subsequent maintenance and occupancy over the life the project, there shall be no encroachment of ground-disturbing equipment or activities beyond the top of the creek bank nor shall any spillback be permitted beyond the top of the creek bank.
- b. **Utilities and Site Improvements:** Site improvements and utilities to serve all lots (including the utility stubs installed to serve Lots 11 and 13 as discussed further under item 4 below) shall be constructed in locations that do not require an at-grade stream crossing in order to extend service. If a stream crossing is required in order to complete a site improvement or extend service to any lot, these new extensions shall be extended with the use of a trenchless construction technology that meets local code standards and also complies fully with the requirements of Condition 3.6.7(a) above.
- c. **Riparian Vegetation and Tree Trimming:** Under all conditions and for all activities, disturbance of riparian vegetation shall be avoided to the maximum feasible extent. Tree canopies may be trimmed but under no circumstances will bank-stabilizing vegetation be completely removed.
- d. **Open Space Lot:** Uses permitted on the Open Space lot include public access, existing LRCMWC facilities, and future LRCMWC facilities and improvements as needed to service the site and community. Any future uses of the open space lot shall comply with applicable provisions of this Specific Plan including the provisions contained in 3.6.7 (a), (b) and (c) above.

3.6.8 INFRASTRUCTURE DEVELOPMENT STANDARDS

3.6.8.1 Access, Transportation and Parking

a. Street Standards

- i. Two interior roads shall be provided in Rock Creek Canyon: Lower Tuff Road shall serve lots 1-6, and Upper Tuff Road shall serve Lots 8-12. Both roads shall be privately owned and maintained. As noted in §3.6.6(b) above, access to Lot 7 shall be taken from the north end of the trailhead parking lot.
- ii. Interior roads shall be paved, privately owned and maintained, and improved to standards adequate for public safety and access; the streets shall be maintained as private streets if the County does not accept the offer of road dedication. Both interior streets will be gated; access shall be limited to residents and their guests as well as authorized agency and service providers (water, police, fire, BLM, etc.).
- iii. The Subdivision Map shall require appropriate dedications for rights-of-way and/or easements for project streets, utilities, drainage, snow storage, etc. in conjunction with each implementation phase.
- iv. Both private roads shall meet or exceed minimum Fire Safe Standards. The Homeowners Association shall be identified as the entity responsible for road maintenance prior to Subdivision Map recordation.
- v. Both private roads serving Rock Creek Canyon shall have a minimum overall right-of-way of 20 feet. Two travel lanes shall be provided, with one lane for each travel direction. Each of the two lanes shall have a minimum paved width of 10 feet with a minimum 2-foot wide paved shoulder.
- vi. Access points, street crossings, stop signs, barrier posts, and other signs, markings, and measures shall be installed in accordance with County standards and Fire Department regulations.
- vii. Interior road slopes shall not exceed a maximum slope gradient of 15%, and shall not exceed a maximum lateral gradient of 3%.
- viii. Each private road serving Rock Creek Canyon shall have one public access onto Lower Rock Creek Rd.
- ix. Lot owners shall be required to obtain all required agency permits and approvals for the construction of a private driveway. Permitting agencies may include the County, the Department of Fish and Game, and/or other agencies as necessary. Private driveways shall be constructed in conjunction with the primary residence.
- x. No motorized vehicles shall be allowed on the interior private roads except for vehicles owned by residents, PFPD, Mono County, LRCMWC, BLM and other agencies and utilities serving the site or surrounding public lands.

b. Parking Standards within Rock Creek Canyon

- i. All parking inside of the Rock Creek Canyon project shall be provided in accordance with Mono County General Plan requirements.
- ii. On-street parking shall be prohibited.
- iii. Driveways shall be paved and designed to minimize grades so that year-round access is assured and on-street parking avoided.
- iv. All RV units, boats, trailers, ATVs, snowmobiles and similar items shall be housed in fully-enclosed private structures that are integrated with the primary residence of the owner, or housed in an attached parking structure that conforms to the design of the owner's primary residence.

- v. The applicant has requested that the County abandon a 10-foot wide section of the Lower Rock Creek Road right-of-way, on the inside curve, and that all parking be prohibited within this section of the Lower Rock Creek roadway. A new Lot A shall be offered for dedication to the County and maintained by the Lower Rock Creek HOA to provide safe public parking and access to the Lower Rock Creek trailhead (also see §3.6.8.1(c) below).

c. Parking Standards for Lot A

- i. All Lot A parking shall be paved & improved in accordance with Mono County General Plan requirements.
- ii. No overnight parking shall be permitted on Lot A at any time.
- iii. Lot A may be used for public trailhead access, public picnics, public restroom facilities (if proposed by a public agency in the future), school bus and transit stop, and ride-share or public parking purposes.

d. Roadway Signage Standards

- i. Sign standards for the internal roads serving Rock Creek Canyon shall be the same as required for rural residential roads, except that the following additional provisions shall also apply:
 - A 10-mile per hour speed limit shall be established on residential streets serving the proposed project.
 - The street address at each residence shall be clearly visible in form and location.
 - An entry sign is not required, but is allowed provided such signage conforms to all applicable County signage standards.
- ii. Trail access signage shall be provided on the trailhead parking lot.

e. Traffic Calming Elements: A series of improvements will be provided along Lower Rock Creek Road in the project vicinity in order to reduce traffic speeds and provide enhanced safety for motorists and cyclists. Elements of the traffic calming program include:

- i. Existing W1-3 and W13-1 (20 MPH) advisory speed signs shall be replaced with new W13-1 (15 MPH) signs for both traffic directions on Lower Rock Creek Rd. to slow traffic approaching the roadway curves.
- ii. The existing faded W11-2 PED XING sign shall be replaced with a new high-intensity reflective sign.
- iii. New W1-8 CHEVRON curve warning signs shall be installed for both traffic directions on Lower Rock Creek Rd.
- iv. New R-1-1 STOP signs shall be installed at each of the three project access entrances.

3.6.8.2 Sanitation Facilities

a. Sanitation Facilities:

- i. Sanitation facilities shall consist of individual septic tanks to be located and installed by the owner of each lot except Lot 9, which already has a functional septic tank.
- ii. Effluent from the septic tanks will be conveyed by PVC gravity mains to an existing 10,000 gallon septic tank located on Lot 3.
- iii. Most or all of the lots will require sewage pumps and force mains to lift wastewater into the gravity main.
- iv. An area equal to one-half the existing leach field will be set aside on Lot 4 as a replacement area to be used temporarily in the event of a failure of the existing leach field.

b. Standards:

- i. Technical and operational oversight of the sanitation facilities will be provided by the Mono County Environmental Health Department.
- ii. The Rock Creek Canyon HOA will be responsible for providing funding as required to maintain and operate the sanitation system.

3.6.8.3 Drainage Facility Development Standards

a. Standards:

- i. All interior subdivision streets shall be constructed with a roadside ditch or swale and shall include culverts fitted with flared end sections, drop inlets, and other drainage structures as necessary to collect and convey storm waters generated by the 25-year event.
- ii. The off-site discharge of any post-development flow quantities shall be routed through a sediment basin prior to discharge.
- iii. All drainage facilities shall be managed and maintained by a private maintenance entity such as the HOA or a community services district.

3.6.8.4 Solid Waste Disposal Development Standards

- a. Disposal Facilities:** Each residential lot owner shall be responsible for providing and using individual trash and recycling receptacles, and for ensuring that the trash and recycling receptacles are stored on the premises until trash pick-up day and returned to the lot on the same day as trash pick-up.
- b. Standards:** Commercial waste disposal bins obtained for long-term use (rather than short-term construction use) on a private lot shall be stored within a gated bear-proof enclosure. The design and construction materials of the enclosure shall conform to other standards established by this Specific Plan and shall be subject to approval by the HOA.

3.6.8.5 Electrical Service

- a. **Standards:** SCE provides electricity to the project region.
- b. **Connections:** All new onsite power lines will be placed below-grade; existing above-grade lines may remain in their original form and location.

3.6.8.6 Propane Gas Facilities

- a. **Unified Service:** Gas service to Rock Creek Canyon shall be provided by individual propane tanks on each project lot.
- b. **Emplacement:** All propane service lines shall be buried below-grade.

3.6.8.7 Solar Energy

- a. **System Elements:** Individual attached or detached solar systems are permitted and may be installed by parcel owners on lots 1-12. Solar elements shall comply with County standards and current building code requirements, and may not be placed within the 30-foot setback from the creek bank. Solar system elements may be placed outside of the designated setback and disturbance areas only if the owner demonstrates to the satisfaction of the County that there is no suitable location within the setback and disturbance areas.
- b. **Screening:**
 - i. All reasonable care shall be taken to orient the solar system in a way that prevents light and glare impacts upon surrounding homes, and screening shall be provided to minimize to the extent feasible the visibility of the solar system from view from any abutting lot, street or highway.
 - ii. The design and construction materials of the solar system and appurtenant screening shall conform to applicable provisions of the Fire Department and County Code standards.
 - iii. Conduit and wiring shall be screened from view or painted to blend with the roofing material.
 - iv. Any inverter boxes shall be screened from view or painted to blend with roofing materials.

3.6.8.8 Sustainability

- a. **Energy Sufficiency:** Each primary residence within Rock Creek Canyon will be subject to building code standards current at the time of the permit application, and each primary residence will be strongly encouraged to comply with the minimum (or higher) energy efficiency standards for LEED certification and to comply with Energy Star standards.

3.6.8.9 Water Facilities

- a. **Water Service:** Water service to the site will be provided by Lower Rock Creek Mutual Water Company (LRCMWC). LRCMWC shall determine all required facilities necessary to fulfill water demands in accordance with accepted practice.
- b. **Connections:** Each residential lot shall be permitted a maximum of one water connection regardless of the presence of a secondary unit.
- c. **Conservation:** The Rock Creek Canyon CC&Rs shall require use of water conservation fixtures and devices in all new construction.

3.6.8.10 Construction Best Management Practices

- a. **Best Management Practices (BMPs):** BMPs shall be utilized throughout the construction of project infrastructure to minimize or prevent erosion, sedimentation, and contamination. BMPs shall comply with the special conditions outlined in Draft EIR §5.3,⁸ and shall also include: (1) short-term storage of all construction wastes areas outside the path of storm flows and disposal at a permitted transfer station or landfill; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; (6) bid specifications that require regular inspection and maintenance of all equipment used during construction; and (7) fencing to ensure that the stream bank and stream bed are not disturbed during construction.

⁸ Measures in §5.3 require that (a) construction activities be restricted to the period from May 15 to October 1 (to minimize disturbance to deer), (b) areas disturbed during construction shall be revegetated with native species to establish deer habitat as soon as possible following construction, and disturbed areas shall be revegetated with native seeds and/or native plants grown from seeds or seedlings obtained from local native stock and monitored for 5 years to ensure their success, with replanting if necessary; (c) dogs belonging to construction workers shall be prohibited in the project area during all construction phases.

3.6.9 EASEMENTS

3.6.9.1 Existing located easements:

- O.R. 278/26 10-foot utility easement to SCE and Verizon
- O.R. 101/172 10-foot utility line easement to SCE
- O.R. 199/325 6-foot water line easement to LRCMWC
- O.R. 706/127 20-foot water line easement to LRCMWC

3.6.9.2 Existing unlocatable easements:

- O.R. 266/466 maintenance easement for water intake system to LRCMWC
- O.R. 199/372 easement for ingress and egress, pipeline and incidental purposes over the existing road parallel to Lower Rock Creek to LRCMWC
- O.R. 107/16 easement for water pipelines, reservoir, pumping plant system as installed to Lower Rock Creek to LRCMWC

3.6.9.3 Proposed easements:

- Public access easement for adjoining BLM land to the north
- 15-foot easement over proposed LADWP culvert realignment
- 30-foot road and utility easement

3.6.10 OTHER PROVISIONS

3.6.10.1 Integration of Mechanical and Electrical Equipment

With exceptions as noted, the exterior components of plumbing, processing, heating, cooling and ventilation systems, and transformers shall not be visible from any abutting lot, street or highway. Allowed exceptions include the solar systems, roof-mounted swamp-coolers and air conditioners.

3.6.10.2 Antennas

With the exception of individual TV satellite antennas and high speed internet devices (both of which are exempt), dishes, transmitters and antennas shall be allowed subject to approval of the Rock Creek Canyon HOA.

3.6.10.3 Toxic Materials

Unless specifically permitted in this Specific Plan, no toxic materials handling shall be permitted within Rock Creek Canyon except for small quantities of domestic products that are available in retail outlets. Permitted use of toxic materials shall comply with all relevant laws and regulations.

3.6.10.4 Wood-Burning Appliances

All residents, tenants and owners shall be required, through deeds of sale and/or lease agreements, to comply with County and Great Basin United Air Pollution Control District (GBUAPCD) standards for the installation and use of wood-burning appliances (including fireplaces).

3.6.10.5 Structural Fire Protection

All structures in Rock Creek Canyon shall comply with current requirements of the Paradise Fire Protection District for structural fire protection. An emergency evacuation plan shall be incorporated into the CC&Rs for residents of Rock Creek Canyon.

3.6.10.6 Sign Standards

Unless otherwise noted herein, all sign provisions in Rock Creek Canyon, including permitted and prohibited signage, shall be governed by provisions in General Plan Land Use Element Chapter 7 (page II-327).

3.7 IMPLEMENTING REGULATIONS AND ORDINANCES

3.7.1 CAPITAL IMPROVEMENT PLAN

Project improvement costs, exclusive of land acquisition, are estimated by the project applicant to be \$618,616 (in 2009 dollars). Table 3-4 identifies overall project cost categories and anticipated expenditures.

Table 3-4
ENGINEER'S PRELIMINARY COST ESTIMATE⁹

ITEM DESCRIPTION	TOTAL COST
Earthwork & Erosion Control	\$150,000
Paving of Roads and Parking Lot	\$177,578
Drainage Improvements	\$20,000
Water System Improvements	\$122,800
Septic Sewer System Improvements	\$62,000
Electric/Phone/Cable System	\$30,000
10% Contingency Factor	\$56,238
TOTAL CAPITAL COST	\$618.616

3.7.2 FINANCING MEASURES

All capital improvements and project elements will be privately financed. No public funds will be used in planning, construction, operation or maintenance of any common Rock Creek Canyon improvements or facilities. [Note: individual lot owners and/or homeowners may seek funding assistance for solar systems, energy efficiency, improvements or other project elements.]

3.7.3 PHASING PLAN

Site improvements will be completed in two phases. During the first phase, improvements will be completed to serve the lots located south of Lower Rock Creek Road. The second phase will focus on improvements to serve the lots located north of Lower Rock Creek Road (including the public trailhead parking lot). Improvements to be completed by the developer include the construction of roads and parking areas, and all infrastructure including water, sanitation, power, and communication facilities. Residential lot grading and building improvements will be the responsibility of future lot owners and phased in accordance with lot sales and the plans of individual buyers.

3.7.4 SUBSEQUENT DEVELOPMENT ENTITLEMENTS REQUIRED

Discretionary actions required to implement the proposed Rock Creek Canyon project were outlined in EIR Section 2 (see Table 2-1), and include approvals by Mono County (lead agency), the California Regional Water Quality Control Board–Lahontan Region, and the Great Basin Air Pollution Control District. Additionally, the California Department of Fish and Game is a trustee agency for the project, with responsibility for review and comment on environmental documentation pertaining to trust resources.

3.7.5 COUNTY ORDINANCE #06-06 WORKFORCE HOUSING REQUIREMENTS

During 2006, the County adopted an ordinance establishing workforce housing mitigation requirements for most types of new development within the County. For residential development projects, the Ordinance requires that one workforce housing unit be provided for every ten market-rate lots or housing units developed, and requires that the inclusionary units comply with all General Plan criteria governing size, design, and location. Additionally, the Ordinance requires that 20% of the lots be deed-restricted for construction of a secondary ('granny') unit, and applicants are required to pay a fractional fee for partial increments.

The Specific Plan calls for twelve market rate lots that will be constructed by individual lot buyers according to a timeline established by each individual lot buyer, plus one workforce family lot (on Lot 9A) that would be constructed by the project applicant. In addition, two of the twelve market-rate residential lots (Lots 8 and 9) will be deed-restricted to include a secondary unit, also in accordance with the workforce housing program. A third secondary unit may be permitted on lot 7, 10 or 11. No more than three secondary units will be allowed within the project.

The proposed workforce housing plan outlined above is one of three options outlined by the project applicant for consideration by County staff and decision makers. The three options are outlined below:

- **Affordable Housing Option A:** *Under this option, which is the proposal outlined in the Project Description, one workforce housing lot (Lot 9A) would be provided for sale to an eligible buyer, deed-restricted secondary units would be provided on two Lots (8 and 9; note that the project applicant owns Lot 9 and has already constructed the primary and secondary units on this lot), and the applicant would pay to the County a fee of \$59,082. Option A is consistent with the County's Housing Ordinance requirements.*

⁹ Source: Triad/Holmes Associates, 30 June 2009; all numbers rounded to nearest 100.

- **Affordable Housing Option B:** *This option does not incorporate a workforce housing lot, but instead provides for 4 deed-restricted secondary units with payment of supplemental fees in the amount of \$59,082. As envisioned, the current workforce housing parcel (Lot 9A) would be merged into Lot 9 to form a single 2.49-acre parcel, and the 4 deed restricted units would be provided on lots 7, 8, 9, and 10.*
- **Affordable Housing Option C:** *Option C incorporates a total of 5 deed-restricted secondary units, with no fee payment and no workforce housing lot. As envisioned in this option, the current workforce housing parcel (Lot 9A) would be merged into Lot 9 to form a single 2.49-acre parcel, and the 5 deed restricted units would be provided on lots 7, 8, 9, 10 and 11.*

In every instance, the deed-restricted secondary units would remain in perpetuity as part of the lot on which they are located with no possibility of subdivision or future sale as individual housing units. The project applicant prefers and plans to seek approval of Option B or C in lieu of Option A; the body of this EIR analyzes impacts associated with Option A; EIR §7 (Alternatives) considers the impacts associated with the remaining options outlined above.

3.8 SPECIFIC PLAN ADMINISTRATION AND FINANCING

CGC §65456 allows a legislative body to impose a charge on persons seeking approvals required to be consistent with an adopted specific plan. Consistent with this provision, Mono County has adopted a fee schedule for processing and review of Specific Plan documents. All required fees have been paid.

3.8.2 SPECIFIC PLAN AMENDMENT PROCEDURES

3.8.2.1 Major Amendments: The process of amending a Specific Plan is generally the same as that for a General Plan. Accordingly, the County or the owner or owners of any single lot or lots within Rock Creek Canyon may initiate an amendment to this Specific Plan. Major amendments must be approved by the Planning Commission and the Board of Supervisors, and must follow the procedures outlined below:

- a. The amendment shall be in accordance with CGC §65500-65507, and Mono County Code §19.46.
- b. The amendment shall be in compliance with CEQA requirements.
- c. Modifications to the subdivision plan after approval of Tentative Tract Map #37-59 shall be in accordance with the California Subdivision Map Act and Mono County procedures for implementation of the Map Act.

3.8.2.2 Minor Modifications: Minor modifications to the Specific Plan may be approved by the Community Development Director. Minor modifications may include changes in architectural colors or details, minor modifications to the street layout or public facility improvements, minor changes to utility placement or layout, minor changes to trail placement, as well as minor modifications to the subdivision plan (such as lot line adjustments) and other similar changes. Minor modifications to the subdivision plan, such as lot line adjustments, shall not require an amendment to this Specific Plan provided the Mono County Planning Director finds that the modification is consistent with the general nature and intent of this Plan and exempt from CEQA requirements.

3.9 SPECIFIC PLAN ENFORCEMENT

3.9.1 SUBDIVISION REQUIRED

No development of the property shall occur, nor shall any permit related to such development (e.g., building permit, grading permit) be issued unless and until the property is subdivided in accordance with this Specific Plan.

3.9.2 HOMEOWNERS ASSOCIATION (HOA)

A Homeowners Association shall be formed to represent all lot owners within Rock Creek Canyon. Among other duties to be outlined in the governing documents, the Homeowners Association shall be responsible for the following:

- a. Enforcement of provisions contained in the CC&Rs and in this Specific Plan.
- b. Election of an Architectural Committee that will review all plans for each lot within Rock Creek Canyon, including building materials, color schemes, and landscaping, and ensure that public and private structures are maintained in good condition over the life of the project.
- c. Maintenance of all common facilities and resources including the interior roads, the septic system and leach field, private components of the water system, the solar system, television dishes and transmitters and antennas, trash enclosures, public and private trails, public access and parking areas, snow removal and snow storage, common area landscaping elements, and other facilities.
- d. Compliance with applicable laws, regulations and standards established by agencies with jurisdiction over project resources including Mono County, the Paradise Fire Protection District, the Department of Fish and Game, the Lahontan Regional Water Quality Control Board, Lower Rock Creek Mutual Water Company, Great Basin United Air Pollution Control District, and any other duly authorized public agency.

- e. Preparation and distribution of handouts for new lot buyers including information for landscaping, deer and wildlife protection; enforcement of applicable plant and wildlife mitigation measures and specific plan requirements including avoidance of water birch riparian scrub vegetation, retention of big sagebrush scrub vegetation, avoidance of stream encroachment, control of exotic trees, control of *Vinca major* plants on the project site; and landscape monitoring to ensure compliance with the permitted plant palette.
- f. Maintenance of the Trailhead Parking Lot (Lot A)
- g. Maintenance of the permanent Open Space lot for public use if no public agency accepts the offer of dedication.
- h. Responsibility to ensure that all landscaping is maintained in a neat and healthy condition and in compliance with applicable requirements of the County, the Calif. Dept. of Fish and Game, and other resource agencies.
- i. Responsibility to ensure that tree branches and vegetation on each side of the project access entrances be trimmed at all times in a manner that optimizes the visibility of Lower Creek Road traffic approaching the roadway curves.
- j. Provision of funding as needed for ongoing septic system maintenance and operation.
- k. Operation and maintenance of the onsite drainage system.